

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID SCOTT HASTINGS,

Plaintiff,

v.

Case No.: 2:18-cv-485-FtM-38MRM

JOSEPH VIACAVA, SAWYER
SMITH, RYAN DOYLE, THE
WILBUR SMITH LAW FIRM 2065
LLC and GERALDO OLIVO,

Defendants.

ORDER¹

Before the Court is Plaintiff's Notice of Appeal ([Doc. 49](#)) and Motion for Leave to Proceed on Appeal *In Forma Pauperis* ([Doc. 51](#)). On April 29, 2019, Plaintiff paid the \$400.00 filing fee in this action. Now, Plaintiff moves to proceed on appeal *in forma pauperis* and attaches copies of his inmate account statements to demonstrate his inability to pay the filing fee. ([Doc. 51](#)). But Plaintiff does not submit under penalty of perjury that he does not have personal assets or other means of paying the \$505.00 appellate filing fee. To enable the Court to make a determination as to whether Plaintiff may proceed on his appeal *in forma pauperis* and is subject to the payment of an initial fee, Plaintiff is ordered to complete and file, under penalty of perjury, the Eleventh Circuit Court of Appeals' enclosed Motion for Permission to Appeal In Forma Pauperis and

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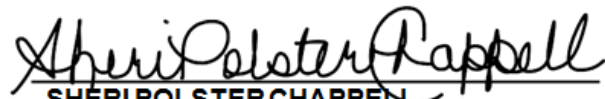
Affidavit. Also, Plaintiff is ordered to complete and file the enclosed Prisoner Consent Form and Financial Certificate.

Accordingly, it is now

ORDERED:

1. The Clerk shall **SEND** Plaintiff a form Motion for Permission to Appeal In Forma Pauperis and Affidavit, along with a Prisoner Consent Form and Financial Certificate.
2. Plaintiff shall either submit the \$505.00 appellate filing fee or complete and file the enclosed forms **on or before February 5, 2020**.

DONE and **ORDERED** in Fort Myers, Florida this 22nd day of January 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record